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A refusal to pay alimony is a contempt of court, and may be punished by commitment. *Fowler v. Fowler*, 161 Pac. (Okla.) 227. See 30 HARV. L. REV. 518. But as imprisonment is frequently inadvisable, the court often resorts to punishment by denying, in the particular cause, the further use of its process to the delinquent until he has purged his contempt. *Winter v. Superior Court*, 70 Cal. 295; *Casteel v. Casteel*, 38 Ark. 477; *Reed v. Reed*, 70 Neb. 779, 98 N. W. 73. In New York, when the defendant was in contempt, the practice was formerly to strike out his answer and proceed to trial upon the facts alleged by the complainant. *Walker v. Walker*, 82 N. Y. 260; *Delvin v. Hinman*, 161 N. Y. 115, 55 N. E. 386. But the United States Supreme Court held that this was a violation of the Fourteenth Amendment, since it gave the defendant no opportunity to be heard in his own defense. *Hovey v. Elliott*, 167 U. S. 409. And it is especially bad in divorce cases, where the policy of the law requires that no divorce shall be granted except upon the merits. *Trough v. Trough*, 59 W. Va. 464, 53 S. E. 630. See 2 BISHOP, MAR. DIV., & SEP., § 1095. But the Supreme Court indicated that it confined its decision to a situation where the punishment was a denial of a defense. See *Hovey v. Elliott*, *supra*, 444. While the decision of the principal case may be supported upon the ground that it is discretionary with the court whether it will punish for contempt, its observation that it is no longer permissible to strike out the plaintiff's complaint may well be questioned. See *Reed v. Reed*, *supra*, 784.

EMINENT DOMAIN — COMPENSATION — SET-OFF OF BENEFITS CONFERRED ON LAND REMAINING TO OWNER. — In an action to condemn a right of way for a railroad, the court excluded evidence offered by the railway company to show that the land remaining to the owners had increased in value through the building of a depot, stockyards, elevator, and side tracks. No evidence was offered to show that by the construction of the road or its improvements any physical benefits to the land ensued. *Held*, that there was no error. *Gallatin Valley Electric Ry. v. Neible*, 186 Pac. 689 (Mont.).

The courts of the various states have declared several diverse views as to what benefits, if any, may be set off in condemnation proceedings against the damage done to the landowner. See 2 LEWIS, EMINENT DOMAIN, 3 ed., § 687. It is commonly said, however, that general benefits, enjoyed in common with the rest of the community, cannot be set off. *Lanier v. Greenville*, 174 N. C. 311, 93 S. E. 850; *Minneapolis Traction Co. v. Harkins*, 108 Minn. 478, 122 N. W. 450. But deduction of special benefits is usually permitted. *Bauman v. Ross*, 167 U. S. 548; *Ripkey v. Binns*, 264 Mo. 505, 175 S. W. 206; *In re Boyes*, 98 Neb. 671, 154 N. W. 231. Whether, in a particular case, benefits to the landowner are general or special, is a question of fact for the jury. *Colorado Cent. R. Co. v. Humphreys*, 16 Colo. 34, 26 Pac. 165; *Kirby v. Panhandle Ry. Co.*, 39 Tex. Civ. App. 252, 88 S. W. 281. The location of a depot near the property has been held insufficient evidence of special benefit to go to the jury. *Washburn v. Milwaukee R. Co.*, 59 Wis. 364, 18 N. W. 328; *Illinois, etc. Ry. Co. v. Borms*, 219 Ill. 179, 76 N. E. 149. *Contra*, *Peabody v. Boston Elevated Ry. Co.*, 191 Mass. 513, 78 N. E. 392. The same is true of increased transportation facilities. *Portland Co. v. Ladd Co.*, 79 Ore. 517, 155 Pac. 1192; *In re Mantorville Ry. Co.*, 101 Minn. 488, 112 N. W. 1033. *Contra*, *Colorado Cent. R. Co. v. Humphreys*, *supra*. The application of the rule to particular facts is aided by regarding the reason for making the distinction. "Just compensation" requires that benefits to the owner caused by the taking and use should be considered as well as the damage done thereby. See *Bauman v. Ross*, *supra*. 574. But it would be unjust to charge him with general benefits, for they are often speculative and conjectural, and it would be making him pay for benefits which are enjoyed by the rest of the community without any payment. See 3 SEDGWICK, DAMAGES, 9 ed., § 1129.